

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING

OFFENSE CHARGED

18 U.S.C. 922(g)(1) - Felon in Possession of a Firearm

☐ Petty

18 U.S.C. 1343 - Wire Fraud

☐ Minor☐ Misdemeanor☒ Felony

PENALTY: 922(g)(1) - 10 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment, restitution, forfeiture

18 U.S.C. 1343 - 20 years imprisonment, \$1,000,000 fine, 3 years supervised release, \$100 special assessment, restitution

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

Darius CHUNG

DISTRICT COURT NUMBER
21-CR-186 JST-2

FILED

Jan 13 2022

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

U.S. Attorney's Office, Northern District of California

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person
Furnishing Information on this form Stephanie M. Hinds

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.
Attorney (if assigned) David J. Ward

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☒ If not detained give date any prior summons was served on above charges

2) ☐ Is a Fugitive

3) ☒ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**

☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

STEPHANIE M. HINDS (CABN 154284)
United States Attorney

FILED

Jan 13 2022

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 21-186 JST-2
)	
Plaintiff,)	
)	
v.)	VIOLATIONS: 18 U.S.C. § 922(g)(1) – Felon in
)	Possession of a Firearm; 18 U.S.C. § 1343 – Wire
DARIUS CHUNG,)	Fraud; 18 U.S.C. § 924(d), 28 U.S.C. § 2146(c) –
)	Forfeiture Allegations
)	
Defendant)	Oakland Venue
)	

SUPERSEDING INFORMATION

The United States Attorney charges:

COUNT ONE: (18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm or Ammunition)

On or about May 6, 2021, in the Northern District of California, the defendant,

DARIUS CHUNG

knowing he had been convicted previously of a crime punishable by a term of imprisonment exceeding one year, knowingly possessed a firearm and ammunition, namely: (1) one Ruger-57 pistol (S/N: 642-03548) stamped “Ruger Prescott, AZ USA 5.7 x 28,” both in and affecting interstate commerce, all in violation of Title 18, United States Code, Section 922(g)(1).

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COUNT TWO: (18 U.S.C. § 1343 – Wire Fraud)

On the dates set forth below, in the Northern District of California and elsewhere, the defendant,

DARIUS CHUNG

having knowingly and intentionally devised and intended to devise a scheme and artifice to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, knowing that the pretenses, representations, and promises were false and fraudulent when made, did knowingly transmit and cause to be transmitted by means of wire, radio, and television, communications in interstate commerce, the following writings, signs, signals, pictures, and sounds, for the purpose of executing the scheme and artifice to defraud: an interstate wire of an electronically-signed Small Business Administration Economic Injury and Disaster Loan (EIDL) program loan application in the name of Darius CHUNG, transmitted on July 3, 2020.

As part of the scheme and artifice to defraud, on July 3, 2020, CHUNG submitted or caused to be submitted an online loan application to the SBA seeking an EIDL program loan. The loan application falsely stated that CHUNG was the owner of an event planning entertainment services business with 10 employees and \$115,000 in gross revenue for the prior 12 months, and that his business had been impacted by the Covid-19 pandemic. As further part of the scheme, on or about July 28, 2020, the SBA transmitted \$37,400 by interstate wire to a Wells Fargo Bank personal checking account in the name of CHUNG. The false statements in the Loan Application were material to the SBA's decision to approve the loan and transfer to CHUNG's bank account \$37,400; that is, they had the natural tendency, or were capable, or influencing the SBA to part with money or property.

FORFEITURE ALLEGATIONS: (18 U.S.C. § 924(d); 28 U.S.C. § 2146(c))

The allegations contained in the sole count of this Information are re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

1 Upon conviction of the offense set forth in this Information, the defendant,
2 DARIUS CHUNG,
3 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28,
4 United States Code, Section 2461(c), any firearm and ammunition involved in the commission of the
5 offense, including, but not limited to, the following property:

6 a. One Springfield pistol (S/N: BY510370);

7 b. One Ruger-57 pistol (S/N: 642-03548).

8 If any of the property described above, as a result of any act or omission of the defendants:

9 a. cannot be located upon the exercise of due diligence;

10 b. has been transferred or sold to or deposited with, a third person;

11 c. has been placed beyond the jurisdiction of the Court;

12 d. has been substantially diminished in value; or

13 e. has been commingled with other property which cannot be divided without
14 difficulty;

15 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
16 United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

17 All pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code,
18 Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

19
20 DATED: January 12, 2022_____

STEPHANIE M. HINDS
United States Attorney

21
22 /s/ David Ward
23 DAVID J. WARD
24 Assistant United States Attorney
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